



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

DEMPSEY L. BUNCH,
Plaintiff,

vs.

CORPORAL THOMAS, Head of Mail Room
Operations at Dorchester County Detention
Center,
Defendant.

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CIVIL ACTION NO. 4:07-3673-HFF-TER

ORDER

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the case be dismissed without prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on February 22, 2008, and the Clerk of Court entered Plaintiff's objections to the Report on March 3, 2008. The Court has reviewed Plaintiff's objections, but finds them to be without merit.

The Report recommended dismissing the case because (1) "Plaintiff does *not* allege that he missed any court deadline due to delayed mail delivery nor that any of his mail was deliberately or negligently stolen, misplaced, or missing" (Report 4) (emphasis in original); (2) "Plaintiff did not allege that any confidential correspondence with his attorney was disclosed by the Defendant's actions, or that he was deprived of effective assistance of counsel" (Report 5); and (3) "prisoners have no legitimate expectation of privacy in their possessions" (Report 5). In his objection memorandum, Plaintiff fails to supply facts to overcome these recommendations. These issues were correctly and adequately addressed in the Magistrate Judge's Report. Accordingly, the Court declines to address the issues a second time.

After a thorough review of the Report, the objections thereto, and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that the case be **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

Signed this 15th day of April, 2008, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within 30 days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.